

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR22-198 RSL

Plaintiff,

V.

GIANNI SHARPA THOMAS,

UNITED STATES' MEMORANDUM
RE: PRETRIAL BOND VIOLATION

Defendant.

Gianni Thomas is charged with firearms and drug trafficking offenses stemming from two separate incidents in May and September 2022. At the time he committed these crimes, Thomas was on supervision with the Washington State Department of Corrections after serving a sentence on a felony domestic violence case. Dkt. 1 (Complaint) at 3-4. Thomas is a documented member of the Blood Stakk Team, a criminal street gang. Dkt. 1 at 4.

On November 1, 2022, after conducting a detention hearing, Magistrate Judge Brian A. Tsuchida entered a pretrial detention order, finding that Thomas was both a danger to the community and a flight risk. Dkt. 14. The Order makes note of Thomas’ “significant criminal history with convictions indicating a propensity for violence.” Dkt. 4 at 1.

1 After holding a second detention hearing on Thomas' Motion to Reopen, Judge
2 Tsuchida denied the motion for release and maintained the prior detention order. Dkt. 28.

3 Thomas then filed a Motion to Revoke the detention order before this Court.
4 Dkt. 32. The government opposed the motion. Dkt. 33. The Probation Office continued to
5 recommend that Thomas remain in pretrial detention. The Court held a hearing on
6 January 13, 2023, after which it granted Thomas' motion and revoked the detention order
7 entered by Judge Tsuchida. The Court entered an appearance bond allowing Thomas to
8 be released to an inpatient treatment facility, North Sound Behavioral Health. Dkt. 38.

9 Practically from the get-go, Thomas misbehaved at the facility by committing
10 various rule infractions, including repeatedly accessing the internet and social media and
11 being verbally aggressive with the facility staff. Thomas' conduct got worse over time
12 and the staff was unable to remediate his behavior. USPO Memorandum at 2.

13 The director of the facility ultimately made the decision to terminate Thomas from
14 the program. It appears the director made this decision on February 6, 2023, to be
15 effective the following day.

16 Rather than notify the Probation Office that Thomas was being terminated from
17 the facility, the director contacted defense counsel during the daytime hours of
18 February 6, 2023.¹ They discussed the need for Thomas to get picked-up from the facility
19 the following morning.

20 During the evening hours of February 6, 2023, defense counsel sent an email to
21 the Probation Office notifying them that Thomas had been terminated from the program.

22 The next morning, the Probation Office submitted a Petition for Warrant based on
23 Thomas' bond violation for failing to successfully complete the treatment program. The
24 Court issued a warrant.

25 Thereafter, the Probation Office contacted defense counsel to discuss the matter.
26 The Probation Office told defense counsel that Thomas must report immediately to their
27 office at the federal courthouse to address the bond violation. They discussed how

¹ Prior to this, the facility had not been returning calls from the Probation Office.

1 Thomas would get to the courthouse, with defense counsel ultimately stating that
2 Thomas' sister-in-law would pick him up at the facility.

3 Thomas was wearing a GPS monitoring device, which the Probation Office began
4 to track. Thomas departed the facility at approximately 1:30 p.m. However, he did not
5 comply with the directive to report immediately to the courthouse. Instead, Thomas and
6 his sister-in-law drove around Everett, stopping for frozen yogurt and at a Walgreens,
7 among other places. After a couple hours, they started driving south on Highway 99. At
8 approximately 3:30 p.m., their vehicle was involved in a well-publicized, tragic car
9 accident with a drunk forklift driver. Thomas' sister-in-law was killed in the accident and
Thomas was hospitalized for several days.

10 Thomas was released from the hospital and made his initial appearance on the
11 bond violation on February 13, 2023. He was remanded into custody pending an
12 evidentiary hearing before this Court on March 2, 2023.

13 Thomas received several unexpected opportunities in this matter. But he violated
14 this Court's trust at every turn. First, this Court gave him the opportunity to release to an
15 in-patient treatment program. Thomas responded by repeatedly breaking the facility's
16 rules, resulting in his termination from the program. Next, the facility failed to notify the
17 Probation Office of the termination, effectively creating a situation where Thomas was
18 allowed to self-surrender on the bond violation. Thomas again violated the Court's trust
19 by ignoring the Probation Office's directive to report immediately to the courthouse,
20 setting into motion a tragic series of events. At this point, the Court should find that
21 Thomas violated the conditions of his bond and remand him into custody pending trial.

22 The Court should also address this situation with the Probation Office, in terms of
23 any future work with North Sound Behavioral Health and, more broadly, with other in-
24 patient treatment facilities. The procedures that were followed in this case are
25 unacceptable. When a defendant is terminated from a treatment facility that he is
26 attending pursuant to the Court's appearance bond, the facility should notify the

1 *Probation Office*, not defense counsel.² Had that occurred here, the Court would have had
2 the opportunity to issue a warrant on February 6 and the U.S. Marshal's Service would
3 have had the opportunity to execute the warrant at the facility the following morning.
4 Thomas would have been brought immediately to the courthouse without incident for his
5 initial appearance.

6 DATED this 15th day of February, 2023.

7 Respectfully submitted,
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26 ² The government is not suggesting that defense counsel acted inappropriately during these events. We appreciate
27 that counsel advised the Probation Office of the termination and are confident that counsel conveyed the Probation
Office's instructions for Thomas to report immediately to the courthouse.